

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RENSSELAER

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G.M.,

Plaintiff,

**SUMMONS**

-against-

**CHILD VICTIM'S ACT PROCEEDING  
22 NYCRR 202.72**

BOY SCOUTS OF AMERICA; TWIN  
RIVERS COUNCIL, INC., BOY SCOUTS  
OF AMERICA; and GOVERNOR CLINTON  
COUNCIL, INC., BOY SCOUTS OF  
AMERICA;

Index No.

Plaintiffs designate Rensselaer County  
as place of trial

Defendants.

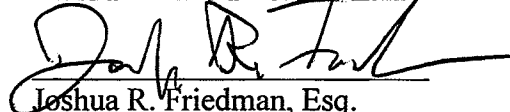
The basis of venue is plaintiff's residence

**TO THE ABOVE-NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** to answer the complaint in the action and to serve a copy of your answer, or if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York) and in case of your failure to appear or answer, judgment will be taken against you for the relief demanded herein.

Dated: November 22, 2019  
Albany, New York

**DREYER BOYAJIAN LLP**



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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF RENSSELAER

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G.M.,

Plaintiff,

COMPLAINT

-against-

Jury Trial Demanded

BOY SCOUTS OF AMERICA;  
TWIN RIVERS COUNCIL, INC., BOY  
SCOUTS OF AMERICA; and  
GOVERNOR CLINTON COUNCIL, INC.,  
BOY SCOUTS OF AMERICA;

Index No.

Defendants.

Plaintiff G.M. by and through his attorneys, Dreyer Boyajian LLP, complaining of Defendants BOY SCOUTS OF AMERICA; TWIN RIVERS COUNCIL, INC., BOY SCOUTS OF AMERICA; and GOVERNOR CLINTON COUNCIL, INC., BOY SCOUTS OF AMERICA (collectively, "Defendants"), hereby alleges as follows:

1. Plaintiff G.M. is an individual residing in the County of Rensselaer, State of New York.
2. At all times relevant to the acts alleged herein G.M. was a 13-year-old minor child.
3. As a sex offense victim, G.M. is entitled to have his identity concealed from public disclosure pursuant to Civil Rights Law § 50-b. Plaintiff will seek appropriate judicial intervention and/or a stipulation with defendants in order to effectuate the maintenance of this action under a pseudonym.
4. Upon information and belief, defendant Boy Scouts of America ("BSA") is a congressionally chartered corporation with a principal place of business in the City of Irving, County of Dallas, State of Texas.

5. Upon information and belief, defendant Twin Rivers Council, Inc., Boy Scouts of America (“Twin Rivers Council”) is a domestic not-for-profit corporation with a principal place of business in the City and County of Albany, State of New York.

6. Upon information and belief, Governor Clinton Council, Inc., Boy Scouts of America (“Governor Clinton Council”) is a domestic not-for-profit corporation with a principal place of business in the City and County of Albany, State of New York.

7. Upon information and belief, Twin Rivers Council is the successor in interest by merger of Governor Clinton Council and assumed to all of its debts and legal liabilities.

8. Upon information and belief, at all relevant times defendants Twin Rivers Council and Governor Clinton Council were and are chartered instrumentalities of BSA that carried out BSA business, programming, and activities to such a degree as to be the alter-egos of BSA.

9. Upon information and belief, the activities of BSA, as carried on through Twin Rivers Council and Governor Clinton Council were and are controlled, directed, overseen, and supervised by BSA.

10. Upon information and belief, at all relevant times Defendants jointly maintained authority and control over the management, staffing, programming, oversight, enrollment, and leadership of Twin Rivers Council and Governor Clinton Council.

11. Upon information and belief, at all relevant times Defendants jointly had the means, authority, ability, and duty to evaluate and determine the eligibility and credentials of any individuals seeking to participate in any way in the activities of the Twin Rivers Council and Governor Clinton Council.

12. At all relevant times, Defendants were engaged in a business model that relied upon the recruitment of minor children to participate in their programming as “Scouts”.

13. At all relevant times, children recruited as Scouts (or their parents/guardians) paid a monetary fee in exchange for the right to participate as Scouts and to purchase Boy Scout branded apparel, merchandise, equipment, and program materials.

14. As a requirement of participating in their programming, Defendants required Scouts to assimilate into and conform to a military style, rank-based hierarchy in which adult volunteers were placed into positions of authority and control over them.

15. These adult leaders held various titles reflecting their position of authority and control over Scouts such as “Scoutmaster”, “Leader” and “Chief”, among other titles.

16. At all relevant times, Defendants utilized numerous methods to indoctrinate Scouts into strictly adhering to their hierarchal system, including, among other things, requiring Scouts to swear an oath in which they promised to unquestioningly obey adults placed in positions of responsibility by Defendants.

17. This organizational structure ultimately proved to be an attractive environment for adult pedophiles seeking to groom and ultimately sexually abuse and molest minor children.

18. In the early 2010s, internal BSA documents known as the “Perversion Files” were released to the public for the first time. The Perversion Files, which have been maintained by BSA since the early 1900s, detail a disturbing number of reports of sexual abuse and molestation by members of the adult leadership of BSA and its affiliated councils nationwide.

19. Upon information and belief, the Perversion Files that have thus far been made public contain the names of nearly 8,000 adult scouting leaders that had engaged in acts of sexual abuse or misconduct against minor children under their supervision.

20. As early as 1935, the Chief Scout Executive of the Boy Scouts of America acknowledged that the organization had become a haven for predatory pedophiles that “seek to

enter Scouting and contact boys who are unbalanced morally” and those that “undertake to deal with sex matters and become morbid on the subject and sometimes give way to temptation and develop practices which make them degenerates.”

21. At all relevant times BSA and its affiliated organizations were aware of the rampant sexual abuse of children occurring within their organization and the heightened risk to children participating in its programming.

22. Nevertheless, BSA and its affiliated organizations failed and refused to take reasonable action to safeguard children participating in its programming or to warn them or the public at large of the increased risk to their health and safety.

23. In 1974, plaintiff G.M. and his brother, X.M., were participating as Scouts in BSA and the Governor George Clinton Council at the urging of their mother who reasonably believed based upon Defendants’ representations that it would provide them with strong, vetted male role models to help make up for the absence of a father in the family home.

24. Upon his enrollment Defendants mandated that G.M. demonstrate his knowledge and commitment to the strict hierarchal rank structure of BSA. Defendants instructed G.M. on the necessity of his practicing unquestioning adherence to the directions of his adult leaders in order to be accepted into the organization and ultimately advance through its ranks.

25. Defendants instructed G.M. that his ability to advance in rank and earn additional benefits, privileges, and acceptance from the other members of the organization were directly tied to his ability to satisfactorily complete tasks and challenges presented to him by the adult leadership.

26. At all relevant times, G.M. was a young teenager and eager to gain the acceptance of his peers within the organization as well as the adult leadership by advancing in rank and proving himself as a Scout.

27. Among other scouting events that G.M. participated in were the regular monthly meetings of Troop 502, a smaller organizational unit of the Governor Clinton Council. This “troop” could be likened to a battalion whereas the larger “council” could be compared to a regiment made up of several troops.

28. The troop meetings were conducted by the adult leadership and used as a means to discuss troop activities and operations and partake in organized activities such as sporting events or competitions.

29. One of the adult leaders that was frequently present at these troop meetings was Paul Bohrer (“Bohrer”).

30. Upon information and belief, Bohrer enrolled as a volunteer for Defendants in 1972. At that time Bohrer was in his early 40s, unmarried and was employed as an assistant fire chief with the Troy Fire Department.

31. Upon information and belief, in 1972 it was well known in the local community that Bohrer had demonstrated a sexual interest in children and regularly behaved in an inappropriate, sexual manner towards minors

32. Upon information and belief, prior to accepting Bohrer as a volunteer Defendants failed to conduct a reasonable background check or make any reasonable inquiry which would have uncovered Bohrer’s sexual interest in children and propensity to behave in an inappropriate manner towards children.

33. Although he did not have any children participating in scouting, Bohrer quickly sought out and was permitted to take on an active leadership role in numerous facets of the Governor George Clinton Council's programming. Bohrer was placed by Defendants in the position of Assistant Scoutmaster, the Chairman of the Council's High Adventure Committee, and the Chapter Advisor for the Order of the Arrow, among other leadership positions.

34. Upon information and belief, immediately upon commencing his involvement with Defendants Bohrer began sexually abusing and molesting Scouts.

35. For instance, Bohrer would approach G.M. and other Scouts at the organized monthly troop meetings and forcefully grab their genitals.

36. Bohrer referred to this disgusting act of sexual assault upon minor boys as his "secret handshake."

37. Bohrer would also regularly touch G.M. and other Scouts in an inappropriate, sexually suggestive manner at the troop meetings such as stroking their thighs and touching their buttocks.

38. Upon information and belief, Defendants were aware of these acts of sexual abuse and molestation inasmuch as they were observed by other adult leaders.

39. In fact, one Scoutmaster in G.M.'s troop informed his son who was also participating as a Scout to stay away from Bohrer because he was a known pedophile. However, Defendants did not provide any similar warning to G.M.

40. During the relevant time period Bohrer sought out and was granted authority to serve as Chapter Advisor for the Order of the Arrow. In that role, Bohrer was permitted to supervise and oversee Scouts chosen to join the invitation-only BSA secret society known as the Order of the Arrow.

41. In order to be eligible to join Order of the Arrow, Scouts were required to prove their worth by completing certain tasks such as spending a certain number of nights camping and earning certain awards and ranks.

42. Moreover, in order to be initiated into the Order of the Arrow, Scouts were required to perform numerous Native American inspired rituals, read from ceremonial texts, and complete an "ordeal" in which they took a vow of silence and isolated themselves in the wilderness away from other Scouts.

43. Members of the Order of the Arrow were required and instructed by Defendants to keep the details of their initiation, ordeal and experiences a secret, even from their family and friends.

44. Bohrer was responsible for leading and advising Scouts throughout this initiation process in addition to his other responsibilities as a volunteer leader in the Council.

45. Bohrer utilized the authority Defendants had conferred upon him to perpetrate numerous acts of sexual abuse against Scouts participating in activities related to the Order of the Arrow.

46. Throughout the summer of 1974, G.M.'s brother, X.M., was preparing to undergo his Order of the Arrow ordeal.

47. On more than ten occasions during the summer of 1974, Bohrer would appear unannounced at the home where G.M. and X.M lived with their mother under the pretense of assisting X.M. with various tasks related to preparing for his ordeal.

48. While visiting the home, Bohrer would direct X.M. to strip naked and change into his Native American inspired costume that he was constructing for the ordeal. Bohrer would then refuse to leave the room and would observe X.M. while he was naked.



49. In or about August 1974, X.M. attended a weeklong camping trip organized by Defendants held at the Philmont Boy Scout campground in Cimarron, New Mexico ("Philmont"). Bohrer was assigned to supervise and oversee the camping trip by Defendants.

50. Upon information and belief, Philmont was and is owned, managed, and operated by defendant BSA.

51. During the Philmont camping trip X.M. was repeatedly raped, sexually abused and molested by Bohrer.

52. Upon information and belief, X.M. did not disclose to G.M. or his mother that Bohrer had abused him because of the secretive nature of the Order of the Arrow which was perpetuated and reinforced by Defendants.

53. Bohrer's predatory behaviors continued after returning from Philmont. On or about November 1, 1974, Bohrer appeared at the family's home and announced that he was there to pick up X.M. for a camping trip with other Scouts.

54. X.M. feigned an illness as an excuse why he could not to go on the camping trip. Bohrer then persuaded G.M. to go on the camping trip and informed him that there would be other Scouts from the council present.

55. G.M. agreed to accompany Bohrer on the camping trip because he had been instructed by Defendants to obey his adult leaders and knew that doing so would assist him in advancing in rank.

56. After leaving the family's home Bohrer drove G.M. to a camper located in a secluded, wooded area in Lake Placid, New York and explained that they would be meeting up with the other Scouts later.

57. Over the course of the next three days Bohrer supplied G.M. with alcohol and pornographic magazines, subjected him to graphic descriptions of perverted sexual acts, and repeatedly raped, sexually abused, and molested him.

58. At the conclusion of the trip Bohrer returned G.M. to his home. Immediately upon returning home G.M. confronted his brother, X.M., and demanded to know if he knew of Bohrer's intentions.

59. G.M. and X.M. then became involved in a loud argument during which X.M. revealed that he had also been victimized by Bohrer.

60. The children's mother overheard the argument and confronted them at which point both children revealed that Bohrer had sexually abused them.

61. The children's mother then reported the incident to the Troy Police Department.

62. Bohrer was subsequently questioned by officers of the Troy Police Department and confessed to sexually abusing G.M. and X.M.

63. The Troy Police Department informed the children's mother that by pressing charges the children would be forced to testify which would further traumatize them. She was further advised that if she pressed charges the children would likely be subjected to widespread publication of their names in the press.

64. Ultimately, the decision was made not to file charges against Bohrer if he agreed to resign from his positions with Defendants and have no further contact with G.M. and X.M.

65. On November 4, 1974, Bohrer sent a letter of resignation to the Council Executive for defendant Governor Clinton Council and advised him that "Due to serious emotional and psychiatric problems . . . I find it in the best interest of scouting that I resign from the movement."

66. On November 5, 1974, the Council Executive sent a letter to the National Director of Manpower for defendant BSA requesting that Bohrer be prohibited from participating as a volunteer for Defendants in the future because he “has confessed to Troy Police officials that he forced a boy to submit to homosexual activities while on a camping trip.” A copy of Bohrer’s resignation letter was also attached to the letter.

67. By letter dated November 13, 1974, Paul Ernst, the Manager of Registration & Subscription Service for defendant BSA replied that BSA required “more substantiating information that will support our placing [Bohrer] on the Confidential File.”

68. Upon information and belief, Ernst’s reference to the “Confidential File” referred to Defendants’ list of former volunteers that had been deemed ineligible due to having perpetrated acts of sexual abuse against minors.

69. Ernst further warned that if additional information was not provided “it will be difficult to keep [Bohrer]’s name on the Confidential File.”

70. Upon information and belief, Ernst’s response was indicative of Defendants’ pattern and practice of seeking to stymie efforts to remove pedophiles from the ranks of its adult leadership.

71. On November 21, 1974, the Council Executive replied with a detailed account of the horrific acts of abuse perpetrated by Bohrer against G.M. He also advised Ernst that “[f]urther investigations revealed that at least four other Scouts in the Troop had been forced to submit to [sexual activities] by Mr. Bohrer.”

72. Ernst thereafter notified the Council Executive that the information had been placed in BSA’s file and “should help us in the future” if Bohrer attempted to re-enroll as a volunteer.

73. Unfortunately, by then G.M. and the numerous other Scouts that Defendants had allowed to be victimized had already suffered severe and lasting mental, emotional, psychological, and physical injuries as a result of their failure to take reasonable steps to warn or safeguard them from the obvious danger posed by Bohrer.

**FIRST CAUSE OF ACTION**  
**NEGLIGENCE**

74. Plaintiff repeats and realleges the allegations set forth in each and every paragraph set forth above.

75. At all relevant times, Bohrer was acting as an agent of Defendants and was engaged generally in the performance of his duties with Defendants.

76. At all relevant times, Defendants were responsible for the wrongful acts and omissions of Bohrer under the doctrine of *respondeat superior*.

77. Upon information and belief, at all relevant times Defendants knew or should have known that their organization had become a haven for pedophiles seeking to victimize vulnerable children such as G.M. and other Scouts.

78. Upon information and belief, at all relevant times Defendants knew or should have known of Bohrer's propensity to engage in unlawful acts of child abuse, sexual abuse, and child molestation, and the resulting risk of harm to G.M. and other Scouts.

79. Upon information and belief, at all relevant times Defendants knew or should have known of the risk to G.M. and other Scouts of becoming victims of child abuse, sexual abuse and child molestation as a result of their participating in their programs and activities.

80. Upon information and belief, at all relevant times Defendants knew or should have known of the specific increased risk to G.M. and other Scouts of becoming victims of child abuse,

sexual abuse, and child molestation as a result of their participating in any programs and activities with Bohrer.

81. Upon information and belief, at all relevant times Defendants knew or should have known of the need to enact reasonable screening and preventive measures in order to protect G.M. and other Scouts from the reasonably foreseeable risk of becoming victims of child abuse, sexual abuse, and child molestation yet failed to enact such screening and preventative measures.

82. Upon information and belief, at all relevant times Defendants knew or should have known of the need to provide adequate supervision and oversight of its adult leaders in order to safeguard Scouts from becoming victims of child abuse, sexual abuse, and child molestation.

83. Upon information and belief, at all relevant times it was reasonably foreseeable to Defendants that Bohrer would subject G.M. to the acts of child abuse, sexual abuse, and child molestation set forth herein.

84. At all relevant times Defendants had a duty to take reasonable action to safeguard G.M. from the foreseeable harms set forth herein and to warn him of the same yet failed and refused to do so.

85. At all relevant times, by accepting G.M. into their program Defendants had a duty to act *in loco parentis* on behalf of G.M. and to act as a reasonably prudent parent to safeguard G.M. from harm yet failed and refused to do so.

86. As a direct and proximate result of Defendants failure to take reasonable action to safeguard G.M. from the foreseeable harms posed by Bohrer or to warn him of the same, G.M. has and will sustain economic and non-economic damages, including, but not limited to, severe and permanent mental, emotional, psychological, and physical injuries and related costs for medical and psychological diagnosis, treatment, care, and counseling.

87. As a direct and proximate result of Defendants' affirmative creation of an unreasonably dangerous environment, G.M. has and will sustain economic and non-economic damages, including, but not limited to, severe and permanent mental, emotional, psychological, and physical injuries and related costs for medical and psychological diagnosis, treatment, care, and counseling.

**SECOND CAUSE OF ACTION**  
**ASSAULT**

88. Plaintiff repeats and realleges the allegations set forth in each and every paragraph set forth above.

89. By raping, sexually abusing and molesting G.M., Bohrer intentionally placed G.M. in apprehension of imminent harmful or offensive contact.

90. Bohrer placed G.M. in apprehension of imminent harmful or offensive contact while he was engaged generally in the performance of his duties with Defendants.

91. At all relevant times, Defendants were responsible for the wrongful acts and omissions of Bohrer under the doctrine of *respondeat superior*.

92. As a result of being placed in apprehension of imminent harmful or offensive contact G.M. has and will sustain economic and non-economic damages for which Defendants are liable, including severe and permanent mental, emotional, psychological, and physical injuries and related costs for medical and psychological diagnosis, treatment, care, and counseling.

**THIRD CAUSE OF ACTION**  
**BATTERY**

93. Plaintiff repeats and realleges the allegations set forth in each and every paragraph set forth above.

94. Bohrer's rape, sexual abuse, and molestation of G.M. was intentional and without consent.

95. Bohrer's rape, sexual abuse, and molestation of G.M. constituted a harmful and offensive bodily contact.

96. Bohrer subject G.M. to such harmful and offensive bodily contact while he was engaged generally in the performance of his duties with Defendants.

97. At all relevant times, Defendants were responsible for the wrongful acts and omissions of Bohrer under the doctrine of *respondeat superior*.

98. As a result of said harmful and offensive bodily contact G.M. has and will sustain economic and non-economic damages for which Defendants are liable, including severe and permanent mental, emotional, psychological, and physical injuries and related costs for medical and psychological diagnosis, treatment, care, and counseling.

**FOURTH CAUSE OF ACTION**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

99. Plaintiff repeats and realleges the allegations set forth in each and every paragraph set forth above.

100. The intentional rape, sexual abuse, and molestation of G.M. by Boher was so shocking and outrageous that it exceeded all reasonable bounds of decency.

101. Bohrer perpetrated the aforementioned shocking and outrageous conduct while engaged generally in the performance of his duties with Defendants.

102. At all relevant times, Defendants were responsible for the wrongful acts and omissions of Bohrer under the doctrine of *respondeat superior*.

103. As a result of such shocking and outrageous conduct G.M. has and will sustain economic and non-economic damages for which Defendants are liable, including severe and

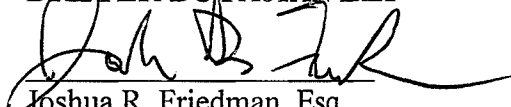
permanent mental, emotional, psychological, and physical injuries and related costs for medical and psychological diagnosis, treatment, care, and counseling.

**WHEREFORE** Plaintiff prays for judgment as follows:

- i. Awarding compensatory damages in an amount sufficient to compensate Plaintiff as determined upon the trial of this action by a jury;
- ii. Awarding the costs, disbursements and attorneys' fees of this action;
- iii. Awarding such other and further relief as this Court deems just and proper.

Dated: November 22, 2019  
Albany, New York

**DREYER BOYAJIAN LLP**



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